



IPD

PATENT
Customer No. 22,852
Attorney Docket No. 01197.0226-03000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Shinji AKI et al.) Group Art Unit: 1625
Application No.: 10/670,599) Examiner: D. M. Seaman
Filed: September 26, 2003)
For: PROCESS FOR PRODUCING)
CARBOSTYRIL DERIVATIVES)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated April 30, 2004, the Examiner required
restriction under 35 U.S.C. §121 between:

- Group I** Claims 1-11, drawn to a method of making cilostazol, classified in class 546, subclass 153+;
- Group II** Claims 12 and 14-17, drawn to the compound cilostazol, classified in class 546, subclass 153+; and
- Group III** Claims 13, drawn to a method of purifying cilostazol, classified in class 546, subclass 153+.

To be fully responsive to the restriction requirement, Applicants elect, with
traverse, the claims of Group I, *i.e.*, claims 1-11.

Applicants respectfully traverse the restriction requirement. According to the
Examiner, all of the claims fall under the same class (546) and subclass (153+). A
search of all pending claims would be limited to this class and subclass. Thus,
restriction is not proper because a search of claims 1-17 would not constitute a "serious

burden ... even though it includes claims to distinct or independent inventions.”

M.P.E.P. §803.

Applicants respectfully submit to the Examiner that elected claims 1-11 were copied from U.S. Patent No. 6,515,128 (“Mendelovici et al.”) in accordance with M.P.E.P. §2307, for the purpose of declaring an interference. Applicants intend to file a Request for Interference in the near future.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 27, 2004

By: *Maria Bautista*
Maria T. Bautista
Reg. No. 52,516